

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ABIGALE PFINGSTEN, ANOKHY DESAI,  
*on behalf of themselves and all others  
similarly situated,*

Plaintiffs,

v.

CARNEGIE MELLON UNIVERSITY,

Defendant.

Civil Action No. 2:20-CV-00716

**JURY TRIAL DEMANDED**

**DEFENDANT CARNEGIE MELLON UNIVERSITY’S UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO RESPOND TO AMENDED COMPLAINT**

Defendant Carnegie Mellon University (“CMU”) files this Unopposed Motion for Extension of Time To Respond to Plaintiffs’ Consolidated Class Action Amended Complaint. In support thereof, CMU states as follows:

1. On May 15, 2020, Plaintiffs filed in this Court their original Class Action Complaint. D.E. 1.
2. On September 25, 2020, and prior to CMU’s response to the complaint, Plaintiffs filed a Consolidated Class Action Amended Complaint (“Amended Complaint”). D.E. 9.
3. On November 9, 2020, CMU filed its Motion to Dismiss the Amended Complaint. D.E. 10.
4. On November 16, 2020, CMU filed its renewed Motion to Dismiss the Amended Complaint. D.E. 15.
5. On April 30, 2021, the Court dismissed without prejudice CMU’s Motion to Dismiss the Amended Complaint. D.E. 34.

6. On May 14, 2021, CMU filed another renewed Motion to Dismiss the Amended Complaint, updating its prior motion in light of other decisions in similar cases. D.E. 37.

7. On March 29, 2022, the Court administratively closed this action pending the Third Circuit's decision in *Hickey v. University of Pittsburgh*, Case No. 2-20-cv-00690, Appellate No. 21-2013 and denied CMU's motion to dismiss without prejudice. D.E. 49.

8. On September 11, 2023, and pursuant to this Court's Order dated September 2, 2023 (D.E. 51), the parties filed a Joint Status Report informing the Court that the Third Circuit had issued on August 11, 2023, its joint decision and opinion in *Hickey v. University of Pittsburgh* and *Ryan v. Temple University*, 535 F.Supp.3d 356 (E.D. Pa. 2021). D.E. 53.

9. On September 18, 2023, this Court lifted the stay and ordered CMU to respond to the Amended Complaint by October 18, 2023. D.E. 55.

10. In order to fully and adequately respond to Plaintiffs' Amended Complaint in light of certain legal and factual issues raised in the Third Circuit's recent opinion in *Hickey* and *Temple*, CMU seeks an extension of seven (7) days, or until October 25, 2023, to file its response to the Amended Complaint.

11. Plaintiffs, through counsel, indicate that they do not oppose CMU's request for a seven-day extension of time for CMU to respond to the Amended Complaint.

WHEREFORE, for the foregoing reasons, CMU requests that the Court permit it to file its response to the Amended Complaint by no later than October 25, 2023.

Dated: October 13, 2023

**REED SMITH LLP**

/s/ Jeffrey M. Weimer

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel or parties of record electronically by CM/ECF.

/s/ Jeffrey M. Weimer  
Jeffrey M. Weimer